

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Genesis Lee Whitted**

**Docket No. 7:02-CR-104-1F**

**Petition for Action on Supervised Release**

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Genesis Lee Whitted, who, upon an earlier plea of guilty to 18 U.S.C. § 922(g)(1), Possession of a Firearm by a Convicted Felon, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 2, 2003, to the custody of the Bureau of Prisons for a term of 180 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the conditions adopted by the court.

On September 7, 2004, as a result of changed circumstances pursuant to a 35(b) motion, the court reduced the imprisonment sentence to 120 months. Genesis Lee Whitted was released from custody on March 25, 2011, at which time the term of supervised release commenced. On April 5, 2011, a violation report was submitted to the court reporting the defendant tested positive for marijuana on April 4, 2011. As a result of this use, the defendant was referred to substance abuse counseling.

On July 11, 2011, after Whitted admitted to using marijuana on July 4, 2011, the conditions of supervised release were modified to include 60 days of home detention with electronic monitoring.

On September 9, 2011, after the defendant tested positive for marijuana use on August 19, 2011, the court modified the conditions of supervised release to include participation in a cognitive behavioral program as approved by the probation office.

On June 18, 2012, a violation report was submitted to the court reporting the defendant was \$260 in arrears on his fine payments. The court agreed to continue supervision.

On January 17, 2013, after the defendant tested positive for marijuana use on January 15, 2013, the court modified the conditions of supervision to include six days in jail.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** The defendant submitted a urine sample on March 6, 2015, that was returned positive for marijuana use. When confronted with the results, the defendant acknowledged that he used marijuana on or about the date of the test. It has been over two years since the defendant last tested positive for illicit drug use. The defendant denies needing substance abuse counseling at this time. As a result of this use, we will increase drug testing. To provide a punitive sanction for this conduct, we are recommending that the term of supervision be modified to include 16 hours of community service work.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall perform 16 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

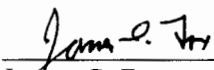
/s/ Robert K. Britt  
Robert K. Britt  
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: March 26, 2015

**ORDER OF COURT**

Considered and ordered this 26<sup>th</sup> day of March, 2015, and ordered filed and made a part of the records in the above case.

  
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James C. Fox  
Senior U.S. District Judge